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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of

GARY R. WEISSER, D.D.S.

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Board of Dentistry (hereinafter "Board") upon information that respondent Gary R. Weisser, D.D.S. (hereinafter "respondent"), while working as a dental claims analyst for Building Service 32B-J Health Fund, New York, New York, established a fictitious company by the name of "Excellent Dental Services" for the purpose of receiving reimbursement checks from 32B-J Health Fund for false insurance claims submitted between approximately September, 1993 and February, 1994, each under the amount of \$300.00. The amount of money collected from the 32B-J Health Fund by respondent for these false claims totaled \$5,342.00. Reimbursement checks were delivered to respondent at a Post Office Box obtained by him in Cedar Knolls, New Jersey for the sole purpose of executing this fraud. Respondent's fraudulent activities were investigated by a

U.S. Postal Inspector. During the course of this investigation a signed statement was obtained from Respondent in which he admits the above conduct. It now appears that respondent wishes to resolve this matter without recourse to formal proceedings.

The Board, after consideration of the above record in this matter, and for good cause shown, has determined that the entry of this Order adequately protects the interests of the public. Therefore,

IT IS ON THIS 24th DAY OF AUGUST, 1998

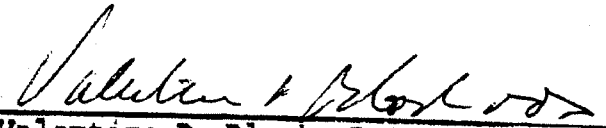
AGREED AND ORDERED THAT:

1. The license of Gary Weisser, D.D.S. to practice dentistry in the State of New Jersey shall be and hereby is suspended for four years. Two years of the suspension shall be active and the remainder of the suspension shall be stayed and served as a period of probation. The active two year suspension shall commence on the entry date of the within Consent Order. Respondent shall observe the provisions of the Directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof.

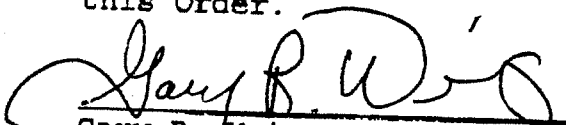
2. Respondent shall pay a civil penalty in the amount of \$5,000.00. Payment shall be made by certified check or money order made payable to the State of New Jersey and sent to Agnes Clarke, Executive Director, State Board of Dentistry, 124 Halsey Street,

Sixth Floor, Newark, New Jersey 07102 no later than ten days from
the entry of the within Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY


Valentine P. Bloch, D.D.S., President

I have read and understand this
Consent Order and agree to be
bound by its terms. I give my
consent to the Board to enter
this Order.


Gary R. Weiss, D.D.S.

**DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.